

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RON FOX,

Plaintiff,

No. 05-CV-73510-DT

vs.

Hon. Gerald E. Rosen

BAY CITY, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S
JULY 26, 2006 REPORT AND RECOMMENDATION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 21, 2006

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 civil rights action having come before the Court on the July 26, 2006 Report and Recommendation of U.S. Magistrate Judge Mona K. Majzoub addressing six motions to dismiss or for summary judgment filed on behalf of 24 of the named defendants in this action, and recommending that the Motions to Dismiss and for Summary Judgment filed by Defendant Ed Czuprynski [Dkt. No. 8]; Defendants Bay County, Bay Count Jail, Sylvia Linton, Jennifer Cass Barnes, Judge Alston, Sherri Waterman, Pat McIver, and the Bay County Probation Office [Dkt. No. 16]; Defendant Charlotte Marshall [Dkt. No. 21]; Defendants Richard and Elizabeth Loggenslaughter [Dkt. No. 24]; and Defendants Bay County Circuit Court Probation Office and Veronica

Papajesk [Dkt. No. 25], be granted in their entirety and that the Motion to Dismiss filed by Defendants Bay City, Donald Aldrich, Jason Richnak, Bradley Peter, Eric Berg, Jeffrey Doud, Elizabeth Ducolon, Gerald Morin, Robert Reiling, and Brian Schroer [Dkt. No. 22], be granted, in part, and denied, in part; and timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed and considered the Magistrate Judge's R&R, the Objections thereto, and the Court's entire file of this matter, and having concluded that the motions should be granted as recommended by Magistrate Judge Majzoub, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of July 26, 2006 is adopted by the Court. Accordingly, for the reasons stated by the Magistrate Judge,

IT IS FURTHER ORDERED that the Motions to Dismiss and for Summary Judgment filed by Defendant Ed Czuprynski [Dkt. No. 8]; Defendants Bay County, Bay Count Jail, Sylvia Linton, Jennifer Cass Barnes, Judge Alston, Sherri Waterman, Pat McIver, the Bay County Probation Office [Dkt. No. 16]; Defendant Charlotte Marshall [Dkt. No. 21]; Defendants Richard and Elizabeth Loggenslaughter [Dkt. No. 24]; and Defendants Bay County Circuit Court Probation Office and Veronica Papajesk [Dkt. No. 25], are hereby GRANTED. Therefore, Plaintiff's claims against Defendants Ed Czuprynski, Bay County, the Bay Count Jail, Sylvia Linton, Jennifer Cass Barnes, Judge Alston, Sherri Waterman, Pat McIver, the Bay County Probation Office, Charlotte

Marshall, Richard Loggenslaughter, Elizabeth Loggenslaughter, the Bay County Circuit Court Probation Office and Veronica Papajesk are DISMISSED, in their entirety, WITH PREJUDICE.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendants Bay City, Donald Aldrich, Jason Richnak, Bradley Peter, Eric Berg, Jeffrey Doud, Elizabeth Ducolon, Gerald Morin, Robert Reiling, and Brian Schroer [Dkt. No. 22], is GRANTED, IN PART, AND DENIED, IN PART. This Motion is GRANTED with respect to Plaintiff's claims against Defendants Bay City, Elizabeth Ducolon, and Brian Schroer, and the claims against these three defendants, accordingly, are DISMISSED WITH PREJUDICE. However, the Motion is DENIED, without prejudice, with respect to Plaintiff's claims arising out of an allegedly baseless traffic stop against Defendants Aldrich, Richnak and Peter, and the claims against Defendants Roberts, Reiling, Berg, Doud and Morlin for unreasonably entering his property without a warrant. Defendants may re-file this motion after a sufficient factual record is developed.

SO ORDERED.

s/Gerald E. Rosen

Gerald E. Rosen

United States District Judge

Dated: September 21, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 21, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager